App F, IX 1

Previous References 1941 (ML)

File No 119 – 41

Serial Nos 18, 19, 59, 140

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for April 42

SUBJECT

Petn from Mr Abdul Kareem of Kankanhalli re the recovery of dues of Toll gate and shandy

To,

Mr Abdul Kareem

L 11435 / 59 6 42

Regarding the petition re-

L 568 / R

5296 / 42

Petition from Mr M Abdul Kasim Kankanhalli

General and Revenue Secretariat

File No 119 of 1941

[App F III-2

	Serial No	
	18	Petn dy 6 2 42 from one Abdul Kasim of Kankanhalli stating that a sum of Rs 272 due to him on account of effecting certain repairs to a temple at the place has been unauthorisedly appropriated by the Pdt of the local M C towards the arrears of Sheady and toll-gate rents due by him and that coercive measures to recover the alleged balance together with interest & costs are about to be taken by the M C dy and praying redress in the circumstances stated and stay orders pending issue of final orders
1) Orders of the Minister dy 9.6.42. Stay orders may be issued and a report may be called for in the matter with the connected records." Ind H.G 7242		
		2)* Submitted with an O M calling for a report. Draft Lr dy 9/6/42
		3) Issue as proposed Sd/- 9/6/42
		The D.C. Bellary
	2119	Issues vide L7126 dy 9.6.42 Calls for an early report together with records and directs that further proceedings be stayed pending final orders
		4) Resubmitted for perusal after issue Sd/- 10/6 Lr dy 11/6/42
Sus A 14/6/42		From The D C Bellary Letter No M6-4596/41-42 dated 6.3.42 Forwarding the report called for

NOTE—Cont Sheet

Petition from one Mr Abdul Kareem of Kankanadi

5296/2

File No. 119 of 1941

General and Revenue Secretariat

Serial No

5) The facts of the case are as follows. ——

One Mr Abdul Karim, brother of Mr Abdul Rahiman Contractor of the Chandy and toll gate of Kankanadi for the duty 1935-36, undertook on behalf of the latter, to pay a sum of Rs 185 against the arrears of Rs 300, remitting a sum of Rs 115 was remitted by the Mal Council. As these arrears related to the period during which the Chandy was prohibited from being held due to outbreak of Cholera in the locality, the Mal Council resolved on 1-2-39 to remit a sum of Rs 115 of the balance of Rs 185 Flag 'A'

was paid by the Contractor and obtained a mukkalika from the party to that effect Flag B

6) The party did not act up to his undertaking but applied on 5-8-39 for permission to pay the arrears at the rate of Rs 10/- P m after receiving adjusting a sum of Flag C

Rs 55 due to him on account of a bill for Lawful effected repairs to a temple. The Mal Council resolved on 30-8-39 Flag D

that to adjust the sum of Rs 55 due to the Contractor and to recover the balance in monthly instalments of Rs 15/- each instead of Rs 10 as prayed for. When sanctioning the DC was sought by the Mal Cl to their resln of 30/8/39, it was replied that no such sanction was necessary as the Mal Council have itself competent to sanction the same. It is stated that the party did not pay any amount as originally agreed to by him. The query of the D C as to the provisions in the T N Act under which sanction was sought to the resolution

5296/L

Q. Petition on the Abdul Karim of Manakkadu - Kanthalloor

Serial No

appears to have been misunderstood by the Municipal Council (as seen from the record) to mean refusal to the proposal for remission

7) The Contention of the Party is that the Payment of the 1st instalment was refused But it is stated that there is nothing on record to prove the truth of the statement the D C states that no amount was paid by the Contractor till 30-5-40 on which date the municipal bill for Rs 272/- due to him has been adjusted to the municipal fund against the arrears due by him and Co-ercive measures were being taken to recover the balance of Rs 28 together with penal interest, Cost Coercive) after the notice which amounted to Rs 108 on account of Rs 136 13-5-40 interest, Cost of notice etc in all Rs 141-8-0

Flag F

This means that the Party wants to recover a sum of Rs 413-8 against the total demand for Rs 300 relating to the period of 2 or 3 months during which the Shandy was prohibited to be held due to outbreak of Cholera etc in the locality It is seen obvious that the Party has sustained heavy loss due to prohibition of the holding of Shandy and he has been repeatedly making requests for remission duly granted to him and permission to pay the amount in instalments. The Party has sustained loss for no fault of his and has also made a gesture to pay the amount as seen from his letter to adjust the amount of Rs 55 from the Bill due to him

Noll Contn Sheet

WD 0115a—GI B—50 000—23 10 41

Petn from one Abdul Karim
s/o Haro Lalli — Kankanhalli

File No 119 of 194/ | General and Revenue Secretariat

Serial No

8) The prayer of the petitioner is: —
(1) That his liability may be drawn at Rs 185 only as agreed to by the Mul Council
(2) That he may be allowed to pay the above arrears in monthly instalments of Rs 15 each as now previously resolved by the Municipal Council
(3) That the interest, Costs and other amounts unauthorisedly claimed by the Mul Council may be ~~Cancelled~~ Waived and
(4) That the sum of Rs 272 due to him on account of his Inuzrai bill which has been adjusted by the Mul Council against the arrears of Shandy that amount ~~will~~ Want obtaining his Consent may be refunded

9) Submitted for orders with reference to the orders of the Municipal C.S.S.O. Para 1 of the note supra

Lab 2/5- Rs 3/5- 10) The arrears relate to the year 1935-36 They were due to the Kankanhalli Town ~~Mul~~ on account of Shandy & Toll Gate Rents out of the outstandings of Rs 300/-, the Mul remitted a sum of Rs 115/ on account of the loss sustained by the Contractor owing to the prevalence of the Cholera at the place
11) The Contractor's letter — the present petitioner one H Abdul Kareem sub-contracted by a sub-contract dated 1/2/35 to pay up the balance of Rs 185/- in one lump

Petn from Mr Abdul Karim
Mandalla — Kankanalla

Serial No

before the end of Dec by 1939. He did not act up to his agreement on 3/8/39 about six months later, he applied to the MC that he would discharge the debt in monthly instalments of Rs 50/- that a sum of Rs 537- due to him on account of repairs to a temple might also be adjusted towards the debt. The MC agreed to adjust the sum of Rs 537 and to recover the balance at the rate of Rs 15/- p m instead of Rs 10/- p m as requested by the petitioner. No amount was actually paid by him to the MC before 30-5-40 when the Mugavai Bill for Rs 272/- due to the petitioner was adjusted to the MC funds against the arrears. Further coercive action has been taken to recover the balance of Rs 300 - 272 or Rs 28/- and the penal interest on Rs 300/-, as the party did not pay up the amount in time as promised by him.

12) The history of the case shows that the MC have acted quite considerately and that the petitioner did not sincerely intend to pay up the debt, according to the Muchalika executed by him. He has certainly adopted dilatory tactics until the present circumstance, viz the existence of a Mugavai bill for Rs 272/- with the authority for adjustment towards the debt

NOTE—Cont Sheet

WD 041 5—GPB—5 000—93 10-41

Deft from Mr. Abdul Kaum of Hanchalle – Kankanhalle Town Mfly

File No. of 1941-42 General and Revenue Secretariat

Serial No

compelled him to approach the DC & subsequently the Govt for intervention on his behalf

13) His prayers is that (1) his liability should be limited to Rs 151/- as agreed to by the Mcl but Rs 300/- as now claimed (2) that he maybe permitted to pay up the arrears in monthly instalments of Rs 15/- (3) that interest & costs maybe waived and (4) that the sum of Rs 27/- which has been adjusted by the Mcl maybe refunded to him for consideration if the above requests could be complied with.

15) This is a matter in which according to Standing orders the Town Mcl of Kankanhalli could take action to recover the amount not exceeding Rs 15/- & to take action to receive the balance Having regard to the respective time, the proposal to pay it in monthly instalments at Rs 15/- cannot be accepted.

16) It maybe stated here that it may not be possible for the Mcl to act on the Indictment dated 2 3/4 as it is not a stamped one & the Courts may not recognise it, if the party takes it into his head to have the course of a competent Court of law. Neither could the adjustment of the sum of Rs 27/- due to the Corporation in respect to a cinema temple to the Municipal dues be deemed legally valid towards

Petn from Mr Abdul Karim
of Harohalli - Kankanhalli Tq

General and Revenue Secretariat — File No 119 of 194/ 5296/L [App F III-2

Serial No

A

17) In view of these defects, the course that may be suggested to the Hl would perhaps be to instruct the amount due from the party to Rs 185/-, without claiming any ordinary or penal interest from them to refund the balance after adjusting the above amt out of Rs 297 already credited to the Hl fund. This seems to be equitable and if Govt deem it desirable, the Hl may perhaps be advised accordingly.

Submitted for favour of orders.

Law Secy 6/5/42

SECY L DEPT 3967 6 MAY 1942 GOVT OF MYSORE

18 'A' may be approved.

Minister (L S G) Hm 9/5/42

OFFICE OF THE MINISTER FOR L S G & P H Date 9 5 1942 No 7031

The party seems to be a persistent defaulter and he has to seek concession of ot all from the municipality

Hm 30 5 42

Draft reply put up 6/6/42

Draft sent for aptl. 6/6

Issue 6/6/42

NOTE—Cont Sheet

To, Mr Abdul Karim Harohalli

Rejects the petition Copy to the Dc Bl Dist

Pa 6/6/42

WD 04155—GPB—55 000—23-10-41

GRS

ml 120-42-38

1164
11-12-43

ROUTINE NOTES

[To be used only for notes, requisitions, etc, not intended for permanent record]

Previous refers 1164/L

1) ml dep 4 80 for 43 — X O

2) L 11435/ml 119-41-140 — F
dt 5-6-42

Flag O

Petition dt 17-8-42 from Mr M Abdul Karim Contractor Harohalli Kankanhalli TK Praying for reconsideration of his appeal Petition re remission of Shanbhog and toll Rents granted to the Kankanhalli TM M.C. etc

Orders of the Minister for L.S.G. & P.H. —

"The Municipal Council may consider his case sympathetically (Initd) H.G. 18.8.42"

Submitted with a memo on the Petition forwarding it to the D.C. Bangalore Dt for Signature. From the ml dep 4 80 for 43 (Sgd) Despatch containing Govt No L 12338 dt 30/7/42 issued to the petr, his appeal for a reconsideration of the orders issued on the subject has been negatived —

SS 9/9/42

3) Pl put up ml cases 119-41-14

4) The required correction Memo placed below

Sd/- 10/9/42

F

N B —Should routine notes be written on small slips the notes must be copied or slips pasted on this form

— WD 078—GPB—30 000—25-7-40

4) MC 120-1, 42 = 3r

5 It will be seen from the references just made that the matter has been decided twice already. In view of this fact, it is for consideration whether any further action should be taken in the matter.

(vide orders at page 1 supra)

Law Secy 11/9/42

SECY LAW DEPT SHIPPING DIV

6) Acs 12-9-42

Mr Reed S S may be seen

Law

Hq 17 9 42

FCC TELETYPE FCLS&PH Da. 12 9 42 No. 2258

Acs 18-9-42

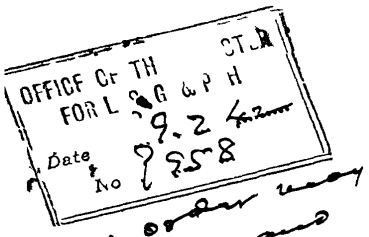
Done A 18/9/42

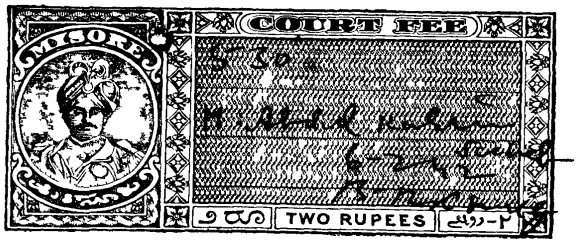
L 3290 9 24 9 42 to the D C Block 01

MC 120-42-61

B with the Asst. Atty Gen July

Law 11/9/42





Ry 568
•L.

MH 119-41-18

Stay order may be issued and the report may be called for in the meantime

Law Secy Hm 7-2-42

Law Secy Hm 9-2-42

9/2/42

BEFORE THE MINISTER FOR LOCAL SELF-GOVERNMENT AND PUBLIC HEALTH, BANGALORE

Appeal Petition No. of 1941-42

APPELLANT PETITIONER -- M. Abdul Kareem Saheb, son of Yajaman Abdul Rahiman Saheb, Contractor, Harohally, Kankanhalli Taluk Via Bidadi

****

UNDER SECTION 194 OF THE MYSORE TOWN MUNICIPALITIES ACT

The Petitioner abovenamed respectfully begs to state as follows --

1. That, in the year 1935-36, the Petitioner's brother, M. Abdul Rahim Saheb, took up the Toll Gate and Shandy Contracts of Kankanhalli Town for which he had to make initial deposits of Rs 140/- and Rs 90/-, and further make monthly payments of Rs 70/- and Rs.45/- respectively, for a period of one year.

2. But, soon after he entered into the said contracts, Cholera broke out in Kankanhally and the Town Municipal Council of Kankanhally suspended the Shandy for four months as per Government Orders. This caused considerable loss to the Petitioner's brother who felt unable to make the

the monthly payments regularly, and thus became a defaulter and the total extent of his liability came up to Rs.300/- and he was praying for remission

3 That, in the meanwhile, as demands were made, the Petitioner undertook to pay his brother's dues and entered into a Mutchalika in favour of the Municipality Subsequently, the Petitioner also repeatedly prayed for Remission, and finally a sum of Rs 115/- was remitted and the balance of Rs 185/- had to be paid

4 That, owing to the heavy loss they had sustained, the Petitioner and his brother were unable to pay the said sum of Rs.185/- in one lump, and so the Petitioner prayed that they may be allowed to pay the same by instalments of Rs.10/- per month His prayer was duly considered by the Municipal Council, and a Resolution was passed allowing the Petitioner to make payments by instalments of Rs 15/-per month

5 That, thereafter, the very next month the Petitioner tendered the first instalment, but it was refused, and, for no reason whatsoever, the Municipality has not only withdrawn the concession for payment by instalments but has also cancelled the remission and went on demanding payment of the whole sum of Rs 300/-.

6 But, in so far as the Petitioner and his brother had accepted their liability to pay Rs.185/- and in so far as the Town Municipal Council

had passed a Resolution to receive the said amount by instalments, and in so far as the Petitioner went and tendered the first instalment which was refused, the attitude taken by the Municipality was highly inequitable.

7 That, accordingly, the Petitioner very reasonably protested about the attitude taken by the Municipal Council, and submitted that their demand for the whole sum of Rs.300/- was unjust But the Municipal Council unlawfully attached and adjusted the sum of Rs 272/- due and payable to the Petitioner under his Bill for having effected repairs of Sri Arunachala Swamy Temple at Harohalli.

8 Not content with that, the President of the Town Municipal Council has demanded payment of the alleged balance of Rs.28/- and interest of Rs 108/-, in all, a further sum of Rs.136/-, as per Notice of Demand produced herewith, and has followed up that demand by instituting coercive measures against the Petitioner In one capacity as President, he has sent a requisition to himself as Amildar and, in his other capacity as Amildar, has issued a Warrant to the Revenue Inspector for attachment of the Petitioner's moveable properties, and the Revenue Inspector of Harohalli Hobli has been seeking to execute the Warrant for recovery of Rs.136/- together with Rs.5-8-0 being further interest and costs of Notice, in all a sum of Rs 141-8-0 If the attachment is to be executed, substantial loss and injury will result to the Petitioner

9 The

9 The Petitioner is even now ready and willing to pay up the balance due by him legally, namely Rs.185/- and which sum he was always ready to pay by instalments.

10. The Municipality were not justified in attaching and adjusting the Bill amount of Rs 272/- due to the Petitioner without hearing the Petitioner and without Notice to h i m about it.

11. The Petitioner, therefore, m o s t respectfully prays --

(a) that this Hon'ble Court may be pleased to fix the Petitioner's liability at Rs 185/- confirming the remission voluntarily given by the Town Municipal Council of Kankanhalli,

a n d

(b) further confirm the Resolution passed - by the said Municipal Council to receive payment by instalments of Rs 15/- per month, and permit the Petitioner - to make payment accordingly,

(c) direct the Municipal Council to cancel the adjustment of his Bill amount of Rs 272/- due to him, and direct refund of the same to the Petitioner, a n d

(d) cancel the interest and costs and other amounts claimed by the Municipal Council, a n d

(e) had

(e) pass such other orders as may be deemed just and equitable under the circumstances of the case.

THE PETITIONER FURTHER RESPECTFULLY

P R A Y S

that, pending the disposal of this Application, a **S T A Y O R D E R** may kindly be issued directing the Amildar of Kankanhalli to withdraw t h e Warrant of Attachment issued against the Petitioner and TO STAY FURTHER COERCIVE MEASURES

Bangalore,
6th Feb., 1942

ಎಂ ಕೃಷ್ಣಮೂರ್ತಿ

Petitioner.

Ml 119-41-19

App F G 9]

GOVT OF H H THE MAHARAJA
OF MYSORE

GEN & REV SECRETARIAT

OFFICIAL MEMORANDUM

No 7126/Ex-I-Gen-37

The accompanying Petition, Registered

No 4568 dated 6 2 42

received at the General and Revenue

Secretariat from one Mr Abdul Karim

of Kankanhalli stating that the sum of

Rs 272 due to him on account of effecting certain

repairs to a temple at the place has been adjusted

without notice unauthorisedly by the Profits of the Coal

towards the arrears of toll-gate and stating

that this is due by him a part of which was remitted

and adds that Coercive measure

to recover the alleged balance of Rs 28/-

together with interest and Costs are

about to be taken against him

Sd. by Mr. G. Ramachandra Rao

is forwarded, together with its enclosures

to the D C Kolar Dist for an early

detailed report together with the Connected records

2 The petn may be returned with the report

3 Pending final orders of Govt in the

matter, proceedings for the execution of a warrant of

attachment of his properties may be stayed

By Order,

For Secretary to Govt
Revenue Dept

BANGALORE,
the 7th July 1942

[P T O

WD 0440—GPB—1 000—4 10 33

By Order,

Secretary

5-25

U R G E N T

No: M6-4596/41-42
One file

Office of the Deputy Commissioner,
Bangalore District,
Dated, Bangalore, 6th March 1942

From

M Seshadri, Esq , M A ,
Deputy Commissioner,
Bangalore District

To

H V Narayana Rao, Esq , B A , LL.B
Secretary to the Government of Mysore,
Law Department, Bangalore

Sir,

Subject:- Petition from Mr Abdul Kareem of Kankanhally - recovery of dues of Toll Gate and Shandy - forwards report on the

---

With reference to your Official Memorandum No L.7126-M1 119-41-19 dated 9-2-1942 on the above subject, I have the honour to state as follows

1 One Mr Abdul Rahim Sab was the contractor of Shandy and Toll Gates of Kankanhally Town Municipality during the year 1935-36. The petitioner - Mr Abdul Kareem is the brother of the said contractor He consented to pay the arrears of khists amount as noted in the margin to the Municipality on behalf of his brother As the shandy was prohibited from being held for some time owing to the prevalance of Cholera etc , the Municipal Council resolved at its meeting held on 1-2-1939, that a total sum of Rs 115/- be remitted if the party paid the balance viz , Rs 185/- by the end of that month (vide Flag "A") The party has given an undertaking agreeing to the proposal of the Municipal Council on 1-2-39 (Flag B) Till 5-8-1939 , he did not pay any amount; but on 5-8-39 he submitted a petition praying for permission to pay the arrears at the rate of Rs 10/- per mensem (Flag C)

1 Toll gate khist for 1935-36 for 2 months @ Rs 45/- per mensem	Rs 90/-	
2 Shandy khist for 3 months during 1935-36 @ Rs 70/- per mensem	Rs 210/-	
	Rs 300/-	

2 The Municipal Council resolved at its meeting held on 30-8-39 (Flag D) that a sum of Rs 55/- might be recovered from the party as stated in his petition dated 5-3-39 and that the balance be recovered in monthly instalments of Rs 15/- The Municipal Council solicited sanction to their resolution But as this was

as this was purely a matter of contract, sanction of this office was not necessary The party also did not pay any amount as originally agreed to by him There is nothing on record to show that the payment of first - instalment was refused, when offered as alleged in peras 5 and 6 of the petition dated 7-2-42

3 According to the mutchalika executed by Mr Abdul Kareem on 30-5-36 (Flag F) and after giving due notice to the party, (dated 13-1-40 Flag G), a sum of Rs 272/- out of his bill for repairs of Sri Arunachalaswamy temple at Haronally was adjusted and credited to Municipal Funds on 30-5-40 The balance of the khist still due is Rs 23/- Coercive action was being taken to recover this amount together with the penal interest on the entire dues

4 The party presented a petition to this office on 17-10-41 under Section 194 of the Town Municipalities Act, requesting orders to limit his liability to Rs 135/- only and for refunding the amount adjusted out of the Muzrai work bill As this was purely a matter of contract, and as the party persistently defaulted in the payment of the dues from 1935-36, I declined to interfere in the matter (Flag H)

5 As desired in your official memorandum referred to, further proceedings of the coercive action have been stayed pending final orders of Government The original petition sent by you is herewith returned as desired The connected vernacular records are herewith enclosed for favour of reference and return

I have the honour to be,
Sir,
most obedient servant,

Deputy Commissioner,
Bangalore District

KRG

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 5/6/42

Signed by W. L. Q. R. Rao

List of enclosures

Copied by

Examined by

Section M4

L.11635 File No 119-41

Serial No 140

Endorsement.

No Granted to Mr M. Abdul Kareem Sahib

To Sri J. Yajaman Abdul Rahiman Sahib Contractor Marakalle Kankanhalle Dabak Vide Bidadi

With ref to his petition dy 6-2-42. praying for redress re: the unauthorised adjustment by the Kankanhalli Town Milk Co of a sum of Rs 272/- due to him for hire charges of certain repairs to a local temple towards the arrears of cheddy and toll-gate Khists alleged to be due from him etc. the petitioner is informed that Govt see no reason to interfere in the matter ~~& the Co has been advised to bring persuitable party against the defaulters on the basis of the petition~~

and hence the petition is
rejected. He has to seek
concession if at all, from
the Judge Concerned.

By order

For Secy to Govt
Law Dept

Memo No. L 11436 Dy. 5/6/42
Copy of the above is forwarded w/c to the
D.C. Khandesh with reference to his letter
No M6-4596/41+2 Dy 6.3.42 on the
subject, for information. The
records are returned herewith

Meeting order is issued on Govt behalf is ~~passed~~ withdrawn

B.O

For Secretary to Govt
Law Dept